

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
December 1, 2004

The City Council/Redevelopment Agency of the City of Westminster, California convened on December 1, 2004 at 5:30 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Blvd, Westminster, California.

5:30 P.M.

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, QUACH, FRY, MARSH, PARIS
ABSENT: NONE

1. Review and discussion of federal funding with the City's federal legislative consultant.

Thane Young, the City's federal legislative consultant, reviewed recommended projects identified for funding in priority ranking as follows: Rose Center (Community Cultural Center); I-405/Beach Interchange Improvements Edinger/Beach); Trafficking and Mentally Ill Offenders; Park Safety Development Program; Project S.H.U.E.; and Water System Fire Flow Improvement and Well Abandonment. Discussion ensued relative to plans for the trip to Washington D.C. in March, 2005.

CLOSED SESSION:

RECESS: The City Council/Agency Board recessed to Closed Session at 6:07 p.m. and reconvened in Closed Session for the following purposes:

- 1) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: Acting City Manager Penny Loomer and Labor Negotiator Dave Larsen; Employee Organization: Westminster Police Officers' Association (WPOA); and
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case).

RECESS: At 6:55 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting was reconvened at 7:03 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, QUACH, FRY, MARSH, PARIS
ABSENT: NONE

SALUTE TO FLAG: City Attorney

INVOCATION: Pastor Rocky Bales, Calvary Baptist Church

ELECTION BUSINESS

A) ADOPTION OF RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 2, 2004 (302-01)

Motion was made by Council Member Paris, and seconded by Mayor Pro Tem Quach, to:

- i) Receive and file the City Clerk's Certificates of Results of the General Municipal Election held on November 2, 2004; and
- ii) Adopt Resolution No. 3885 entitled "A Resolution of the City Council of the City of Westminster, California, reciting the fact of the General Municipal Election held on November 2, 2004, declaring the result and such other matters as provided by law", and waive further reading.

The motion was carried by the following vote:

AYES: RICE, FRY, MARSH, QUACH, PARIS
NOES: NONE
ABSENT: NONE

B) OATH OF OFFICE

City Clerk, Marian Contreras, administered the Oath of Office to Mayor Margie L. Rice and to Council Members Kermit Marsh and Frank G. Fry, and presented each with a Certificate of Election. (302-00)

RECESS AND RECONVENE:

At 7:15 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 7:30 p.m.

REPORT OUT OF CLOSED SESSION:

The City Attorney stated that there was nothing to report out of the Closed Session.

PRESENTATION:**CITY WEBSITE REDESIGN (116-02)**

James McAuliffe, Information Systems Manager and Bob Pinzler from Civica Software, gave a presentation along with a demonstration of the City's new website, with comments from the Assistant City Manager.

Darrell Nolta, resident of Westminster, commented on the design of the website.

Police Chief Hall said he was impressed with the new website.

1. CONSENT CALENDAR**ROUTINE MATTERS****1.1 (City Council) Denial of Claims(s) Against the City from:**

1. Hung Tran in the amount of \$375.00
2. Gary Perkinson in an unknown amount

ACTION: Claims filed against the City were denied.

1.2 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.

ACTION: Approved.

1.3 Increase in Purchase Order with RBF, Planning Consultant, for Phase 2 of the "Mixed Use Strategy Study" (502-18)

ACTION: The City Council authorized a \$13,000 increase in the purchase order with RBF for Phase 2 of the "Mixed Use Strategy Study".

WARRANT REGISTER**1.4 (City Council/Redevelopment Agency) Warrant Register dated November 10 through 23, 2004 (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS**1.5 Minutes of the Planning Commission meeting held October 27, 2004 (104-11)**

ACTION: Received and filed.

1.6 Community Development Monthly Activity Report – October 2004 (216-01)

ACTION: Received and filed.

1.7 Minutes of the Community Services & Recreation Commission meeting held on October 12, 2004 (104-05)

ACTION: Received and filed.

1.8 Minutes of the Cultural Arts Commission meeting held on October 7, 2004 (104-06)

ACTION: Received and filed.

1.9 Minutes of the Commission on Aging meeting held on October 11, 2004 (104-03)

ACTION: Received and filed.

1.10 Minutes of the Westminster Youth Committee meeting held on October 13, 2004 (104-17)

ACTION: Received and filed.

1.11 Minutes of Traffic Commission meeting held on November 2, 2004 (104-12)

ACTION: Received and filed.

Motion was made by Council/Agency Member Fry, and seconded by Mayor Pro Tem/Vice Chair Quach, to approve the Consent Calendar. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR**2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW****2.1 The actions of the Planning Commission meeting held on November 17, 2004**

The Planning Director reviewed the actions of the Planning Commission meeting of November 17, 2004:

- 1) 6172 – 6182 Garden Grove Boulevard (Conditional Use Permit, Case 2005-56) for operating a new motorcycle dealership for the sale of new and used motorcycles with services.

Mayor Rice said she received complaints about the date and notice of the November 17th Planning Commission meeting and some were confused that the item was on the Council meeting agenda. It was noted that the Planning Commission meeting was held on the same evening as the Council meeting. It was the Council consensus to call up the item for review so that people could express their concerns.

It was the consensus of the City Council to call up for review Item No. 1, Case No. 2005-56, located at 6172 – 6182 Garden Grove Boulevard.

3. PUBLIC HEARINGS

3.1 REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-48 (CONDITIONAL USE PERMIT); LOCATION: 8512 WESTMINSTER BOULEVARD; APPLICANT: CHRISTINE TRAN ON BEHALF OF TOM BUI (201-00)

Time set for a public hearing to review the Planning Commission's decision to approve a conditional use permit allowing the sale of beer and wine for on-sale consumption incidental to the operation of Pho Vinh Ky, an existing full-service restaurant.

Mayor Pro Tem Quach recused himself from discussion of this item citing a conflict of interest as he said that the applicant and his representative worked with a colleague of his on an unrelated issued, so he left the dais.

The Planning Director noted that the Police Department approved the on-site sale of alcohol for the Pho Vinh Ky Restaurant as it did not exceed alcohol sales for that area.

Council Member Marsh asked the City Attorney if he had a conflict due to his association with a possible land owner of the site. The City Attorney stated that he did not have a conflict due to the date (ten years ago) of the association.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Christine Tran, representing the applicant, Mr. Bui, stated she could translate for Mr. Bui concerning his record.

Council Member Marsh asked Ms. Tran if she asked Mr. Bui about the record of the business regarding any alcohol violations. She responded that Mr. Bui told her there were no alcohol violations connected to the business.

Council Member Marsh asked Mr. Bui about the record of the business regarding any alcohol violations. Mr. Bui stated there were no violations. Council Member Marsh also asked Mr. Bui if anyone he employs ever had an alcohol violation. Mr. Bui answered no. Mr. Bui said that alcohol sales will only be incidental to the food served.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, resident of Westminster, spoke in opposition to the sale of alcohol, he also objected to increased business hours and four video machines.

REBUTTAL:

Ms. Tran said the applicant never requested a change in hours and he never requested any video machines. She noted that the applicant will not sell beer or wine "to go" and will only serve alcohol with meals.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Rice inquired why the conditions included longer business hours and four video machines. The Planning Director stated that it appeared that standard conditions were used and in the future she will make sure the conditions are more carefully reviewed. She recommended that the conditions regarding business hours and video machines be amended to reflect the applicant's request.

Motion was made by Council Member Marsh, and seconded by Council Member Paris, to:

- 1) Uphold the Planning Commission's decision to approve Case No. 2004-48; and
- 2) Adopt Resolution No. 3886 entitled "A Resolution of the City Council of the City of Westminster revoking Conditional Use Permit C-704 and approving Case No. 2004-48 (Conditional Use Permit) pertaining to the sale of beer and wine for on-site consumption as an incidental use at an existing restaurant located at 8512 Westminster Boulevard," as amended revising Condition Nos. 5 and 11 regarding video amusement machines and hours of operation, to reflect the applicant's request, and waive further reading.

The motion was carried by the following vote:

AYES:	RICE, FRY, MARSH, PARIS
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	QUACH

Mayor Pro Tem Quach returned to the dais.

4. ORAL COMMUNICATIONS

Bob Crossley, resident of Westminster, said that the Bank of America is charging him a \$5 fee to cash his check received from the City of Westminster.

Mayor Rice asked the Acting City Manager to investigate this situation with the Bank of America and it was her opinion that the City should no longer deal with Bank of America if it is charging a fee to cash checks.

Darrell Nolta, resident of Westminster, spoke regarding the closure of emergency rooms and trauma centers due to the sale of hospitals to new owners.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

The Mayor and Council Members congratulated one another for their re-elections.

Council Member Paris welcomed five new police officers to the City. He invited everyone to attend the Grand Opening of the Outback Steakhouse where half of the proceeds that day will go toward the Boys and Girls Club of Westminster.

Mayor Pro Tem Quach encouraged all residents to shop in Westminster.

Council Member Fry reported that on October 27, 2004 the City sent out water bills and the area he lives in received no mail for several days, so in the following billing cycle, many of his neighbors received late notices with late charges added. He requested that those late charges be deleted.

Council Member Marsh encouraged residents to enter the Holiday Home Decorating Contest.

Mayor Rice invited residents to attend the Tree Lighting Ceremony at 6:30 p.m. on December 6, 2004 in front of the Council Chambers. She was concerned about the steel plates in the street on Westminster near Beach Boulevard.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR – None

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS**8.1 Ordinance No. 2376 (2nd Reading) - Zone change for parcels of land located at 15152-15232 Moran Street (continued from the November 17, 2004 meeting) (201-00)**

The City Attorney explained that when the vote was taken for the second reading of Ordinance No. 2376 at the November 3, 2004 Council meeting, the Mayor voted with a yes vote, whereas she voted no at the meeting of October 19, 2004, when the ordinance was introduced.

Council Member Marsh asked the City Attorney if he should abstain since he was not present at the November 17, 2004 meeting. The City Attorney said he could vote on the second reading and in fact, the item was continued to this meeting for that purpose.

Motion was made by Council Member Paris, and seconded by Mayor Pro Tem Quach, to reconsider the action taken at the November 3, 2004 meeting. The motion carried by a 4-1 vote, with Council Member Fry voting no.

Motion was made by Council Member Fry, and seconded by Council Member Paris, to adopt Ordinance No. 2376, entitled, "An Ordinance of the City Council of the City of Westminster amending the Westminster Municipal Code by amending Section 17.06.070 thereof to provide for change of zoning for parcels of land located at 15152-15232 Moran Street from CM (Commercial Industrial) to R-5-P (Multiple units with parking overlay zone)" and waive further reading.

Darrell Nolta, resident of Westminster, was opposed to Finding No. 5 in the original motion to approve Ordinance No. 2376, regarding lack of a traffic impact with 100 additional parking spaces. He also wanted to know if any Council Member received campaign contributions from the owner of the project.

Council Member Marsh stated that the Little Saigon area has always suffered from a lack of parking spaces so an increase of parking spaces will improve the area. He said he has not received any campaign contribution from the owner of the project.

Mayor Rice said she supported Mr. Nolta's comment regarding the increase of parking spaces; which will negatively impact traffic.

Mayor Pro Tem Quach stated that the original approval was conditioned with staff returning with the developer's new project, if the findings were not supported. Also, he stated that the subsidiary of Bridgecreek (the owner) did not contribute to him this cycle. Also, he noted that the City Attorney has stated that campaign contributions do not indicate a conflict of interest.

Council Member Paris agreed that the City Attorney has stated that campaign contributions do not indicate a conflict of interest and he said, if he did receive a contribution, it was no more than \$250.

Mayor Rice stated she did not know if they contributed to her or not.

The motion was carried by the following vote:

AYES: QUACH, FRY, MARSH, PARIS
NOES: RICE
ABSENT: NONE

8.2 Ordinance No. 2378 (2nd Reading) – Change the zoning district designation for property located at 7581-7591 Wyoming Street (201-00)

Motion was made by Council Member Fry, and seconded by Council Member Paris, to adopt Ordinance No. 2378 entitled, "An Ordinance of the City Council of the City of Westminster amending Sectional District Map 2-5-11 of Municipal Code Section 17.06.070 to change the zoning district designation for property located at 7581-7591 Wyoming Street from CR-PD (Restricted Commercial with Planned Development Overlay) to R5 (Multiple Units, 19-24 units/acre)", and waive further reading. The motion was carried by the following vote:

AYES: RICE, QUACH, FRY, MARSH, PARIS
NOES: NONE
ABSENT: NONE

8.3 Ordinance No. 2377 (2nd Reading) – Zone change for the property located at 7172 Park Street (201-00)

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Quach, to adopt Ordinance No. 2377 entitled, "An Ordinance of the City Council of Westminster amending Sectional District Map 11-5-11 of Municipal Code Section 17.06.070 to change the zoning for the property located at 7172 Park Street from R-2 (Multiple Units, 08-12 units/acre) to R2-PD (Multiple Units, 08-12 units/ac with a Planned Development Overlay)", and waive further reading. The motion was carried by the following vote:

AYES: RICE, QUACH, FRY, MARSH, PARIS
NOES: NONE
ABSENT: NONE

9. COMMISSION AND COMMITTEE ITEMS**9.1 Proposed Installation of a Stop Sign on Hortense Drive at Gretchen Lane – T.C. 04-103 (607-03)**

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Quach, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3884 entitled, "A Resolution of the City Council of the City of Westminster providing for the Installation of a One Way Stop Sign on Hortense Drive at Gretchen Lane," and waive further reading. The motion was carried by the following vote:

AYES: RICE, QUACH, FRY, MARSH, PARIS
NOES: NONE
ABSENT: NONE

9.2 Reduction in parking restrictions on the North Side of Westminster Boulevard in Front of "Purrfect Auto", between Hoover Street and Olive Street – T.C. 04-102 (608-02)

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Paris, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3883 entitled, "A Resolution of the City Council of the City of Westminster amending Resolution No. 3201, which provides for the installation of parking restrictions at a certain location on Westminster Boulevard", and waive further reading. The motion was carried by the following vote:

AYES: RICE, QUACH, FRY, MARSH, PARIS
NOES: NONE
ABSENT: NONE

9.3 Proposed parking restrictions on the east side of Suffolk Street, south of Charing Cross Road – T.C. 75-123 (608-02)

Motion was made by Council Member Fry, and seconded by Council Member Marsh, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3882 entitled, "A Resolution of the City Council of the City of Westminster providing for No Parking or Stopping on the East Side of Suffolk Street, South of Charing Cross Road", and waive further reading. The motion was carried by the following vote:

AYES: RICE, QUACH, FRY, MARSH, PARIS
NOES: NONE
ABSENT: NONE

9.4 Proposed extension of parking restrictions on the South Side of Main Street, West of Locust Street, for OCTA bus layover – T.C. 73-118 (608-02)

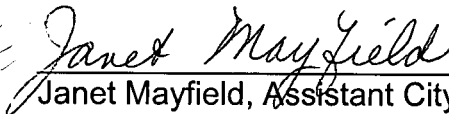
Motion was made by Council Member Paris, and seconded by Council Member Fry, to approve the recommendation of the Traffic Commission and adopt Resolution No 3881 entitled, "A Resolution of the City Council of the City of Westminster providing for an extension of the No Parking or Stopping Restrictions on the South side of Main Street, West of Locust Street", and waive further reading. The motion was carried by the following vote:

AYES: RICE, QUACH, FRY, MARSH, PARIS

NOES: NONE

ABSENT: NONE

10. COUNCIL/AGENCY ADJOURNMENT: At 9:23 p.m. Mayor/Agency Chair Rice adjourned the meeting to Monday, December 6, 2004 at 4:30 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, for the purpose of holding a study session to discuss City/Agency business.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary